

**REMARKS/ARGUMENTS**

In the August 8, 2005 Office Action, the Examiner rejected claims 1-24 and 33-58 pending in the application. Reconsideration of all pending claims is respectfully requested in view of the following remarks.

Claims 1-24 and 33-58 stand rejected under 35 U.S.C. §102(e) as being anticipated by Dean, Jr., et al., U.S. Patent No. 6,152,855, issued November 28, 2000 (hereinafter "Dean"). In particular, the Examiner states that Dean discloses a frame (Figure 3), at least one support attached to the frame for supporting a user's body (Figure 3), at least one engagement member attached to the frame for engaging at least one part of the user's body (Figure 3), the engagement member being moveable in opposite directions (column 4, lines 50-58), means for supplying power to the engagement member so that the engagement member is capable of exerting a force in a first direction at a predetermined speed (Abstract), means for detecting a change in the predetermined speed after the user supplies a force to set the engagement member in a direction opposite the first direction (Abstract), and means for adjusting output of the power supply means to maintain the predetermined speed (claim 3).

The Examiner further states that, with respect to claims 2-16, Dean discloses at least one support comprising a seat where the seat comprises a recumbent seat that is adjustable (Figure 3), a support structure for the recumbent seat wherein the recumbent seat is attached to the support structure and the support structure is attached to the frame (Figure 3) with the recumbent seat being positioned at an angle of about 15 degrees relative to a furthest position from the user, at least one engagement means (Figure 3) with the engagement member comprising a bar press or a cross-bar (Figure 3) having at least one of a pedal and a hand grip (Figure 3), and at least one strap for securing a user's foot to the pedal and a user's hand to the hand grip (25). The Examiner further states that Dean discloses a drive mechanism powered by the power supply means where the drive mechanism is attached to at least one engagement member to move the engagement member in a first direction (column 8, lines 35-58) where the power supply means comprises a motor (column 8, lines 35-58). The Examiner further states that Dean discloses a safety element that prevents full extension of at least one of a user's joints during operation of the apparatus (column 6, lines 54-*et. sequitor*). Finally, the Examiner contends that Dean

discloses at least one support comprising a recumbent seat, at least one drive mechanism comprising a turn crank (Figure 3), an engagement member including pedals for engaging a user's feet (Figure 3), a safety element comprising a bar member positioned in front of the recumbent seat for maintaining a user's knees in a bent position while operating the apparatus, a frame comprising a plurality of tubular shaped members (Figure 3), means for detecting a change in a predetermined speed comprising a sensor (column 9, lines 1-10), means for adjusting output of the power supply means to maintain the predetermined speed including a central processing unit which sends signals to a motor controller (14), display means for displaying at least one of a deceleration power, a time elapse, a user's heart rate, and at least one of a number of revolutions per minute or reciprocating per minute (claim 2), a control panel for starting the apparatus, stopping the apparatus, and setting at least one of a timer, a speed, a performance goal, and a heart rate goal (claim 5). Applicants respectfully traverse this rejection.

Dean discloses a portable in-bed exercising machine for strengthening and/or strength maintenance of the musculature and ligaments associated with an extremity. The device disclosed in Dean includes a frame (1), bed footboard bumper pads (2), a structural bracket (3), a height adjustment device (4), an air compressor (5), an air tank (6), air cylinders (7), a range of motion device (8), telescoping force arms (9), foot plates (10), handles (11), a case (12), a back support (13) for the patient, a computer data acquisition system (14) and a bed (15) with a bed frame (16). (See Dean, column 7, lines 15-22). Further, the structural bracket (3), the air compressor (5), the air tank (6), the air cylinders (7), the range of motion device (8), the telescoping force arms (9), the foot plates (10), and the case (12) are collectively referred to as the exerciser unit. (Column 7, lines 22-25). The back support (13) is comprised of a wedge used to incline the patient to a supine position and to receive the reaction forces during exercise. Further, on a bed that has a built in back inclination feature, a back support as a separate unit is not needed. (Column 7, lines 57-61). Accordingly, it is clear from the specification in Dean that the back support (13) is not attached to any part of the exerciser unit or the frame (1).

In contrast to Dean, each of Applicants' independent claims 1, 33 and 46 require a frame and a support, such as a recumbent seat, that is attached to the frame. In addition, Applicants' independent claim 33 requires a turning crank attached to the frame such that the turning crank is

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accessible to a user's feet when the user is seated in a support structure such as a recumbent seat. Dean fails to disclose such a turning crank. Accordingly, in that Dean fails to disclose each of the elements recited in Applicants' independent claims, Dean cannot anticipate Applicants' claims. Accordingly, Applicants respectfully request the withdrawal of the rejection of Applicants' claims under 35 U.S.C. §102.

Furthermore, Dean fails to disclose an engagement member comprising a bar press and a drive mechanism comprising a reciprocating wheel which moves the bar press in alternating forward and backward directions as recited in Applicants' claim 14. Instead, Dean discloses a variety of mechanisms that can be used to move the telescoping force arms (9) that are disclosed in Dean. (See Column 8, lines 37-60). None of these mechanisms includes the elements recited in Applicants' claim 14.

In view of the foregoing, Applicants respectfully submit that all of the pending claims fully comply with 35 U.S.C. §112 and are allowable over the prior art of record. Reconsideration of the application and allowance of all pending claims is earnestly solicited. Should the Examiner wish to discuss any of the above in greater detail or deem that further amendments should be made to improve the form of the claims, then the Examiner is invited to telephone the undersigned at the Examiner's convenience.

Dated: 9/22/05

Respectfully submitted,

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